

BEFORE THE LOK ADALATH
ORGANIZED BY THE KERALA HIGH COURT LEGAL SERVICES COMMITTEE

PRESENT :

THE HONOURABLE MR. JUSTICE R.BHASKARAN
(RETD.JUDGE, HIGH COURT OF KERALA)
&
THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
(JUDGE, HIGH COURT OF KERALA)

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

SA.No. 751 of 1994(F)

AS.65/1991 of PRINCIPAL SUB COURT,KOCHI
OS.57/1988 of PRL.M.C., KOCHI
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APPELLANT/RESPONDENT/PLAINTIFF:

MRS.MARY GEORGE, W/O.LATE GEORGE,
RESIDING AT 18/2299, THOPPUMPADY, COCHIN -5.

BY ADV. SRI.S.K.BRAHMANANDAN
SRI.S.B.PREMACHANDRA PRABHU
SRI.G.S.PRABHU

RESPONDENTS/APPELLANTS/DEFENDANTS:

1. JAMES, S/O.PETER, PLAPPILLY HOUSE,
18/2301, THOPPUMPADY, COCHIN -5.
2. MRS.VERONI, W/O.JAMES,
18/2301, PLAPPILLY HOUSE,
THOPPUMPADY, COCHIN -5.

BY ADV. SRI.E.R.VENKATESWARAN (FOR R1 & 2)
SMT.T.D.RAJALAKSHMI (FOR R1 & 2)

THIS SECOND APPEAL HAVING COME UP FOR DETERMINATION AT THE LOK ADALATH AND THE PARTIES HAVING SETTLED THE MATTER, THE FOLLOWING AWARD IS PASSED IN TERMS OF THE SETTLEMENT:

ORDER ON CMP NO.1667/1994 IN SA NO.751/1994

CLOSED

SD/-
R.BHASKARAN (RETD. JUDGE)

6.9.07.

SD/-
KURIAN JOSEPH (JUDGE)

/TRUE COPY/

P.A. TO JUDGE

JP

**JUSTICE R.BHASKARAN (RETD. JUDGE, HIGH COURT OF KERALA) &
JUSTICE KURIAN JOSEPH (JUDGE, HIGH COURT OF KERALA)**

S.A. No.751 of 1994

Dated this the 6th day of September, 2007

AWARD

The parties have agreed to settle the disputes amicably. The appellant is the plaintiff in a suit for declaration of right of way as well as injunction. The suit now stand dismissed by the 1st Appellate Court. After thorough discussion between the parties, it is now agreed that the respondents recognise a right of way for the appellant through the property shown in yellow colour in the plan appended and the pathway is having a width of 3.02 metres at the entry and 3.18 metres in front of the house of defendant and the plaintiff. The defendants who are residing on the northern side of the plaintiff's property have agreed that they will not obstruct the right of way for the plaintiff to reach her residence through the yellow shaded property. The plaintiff in terms agreed to pay a sum of Rs.1.5 Lakhs to the defendant for settling the dispute. It is now agreed that the plaintiff will have freedom to use the yellow shaded portion for ingress and egress through vehicle to reach her property and also agrees that the pathway will not be disrupted by either parties. Both sides have agreed not to object for drawing water connections, electric lines and telephone lines etc. through this pathway. The amount of Rs.1.5 Lakhs will be paid within

two weeks from today by cheque or demand draft in favour of 1st respondent. The plaintiff has agreed not to obstruct any construction of any building in the plot belonging to the defendants without causing obstruction to the way as shown above. It is also agreed that the pillars at the entry from the main road to the pathway will be repaired by the defendants for the enjoyment of both parties. Both sides will suffer their costs in the litigation throughout. The plan produced by the parties will form part of the award.

The S.A. is disposed of on the terms of this settlement.

R.BHASKARAN
(RETD. JUDGE, HIGH COURT OF KERALA)

KURIAN JOSEPH
(JUDGE, HIGH COURT OF KERALA)

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